

REMARKS

Status of the claims

Claims 1-21 are pending and subject to restriction. Claims 1-2, 4-5 and 14 are amended. Claims 3, 6-9, 11, 15, and 17-21 are canceled. No new matter is added.

Restriction Requirement

Applicants hereby elect Group II, claims 1-16, drawn to compounds or pharmaceutical compositions where R¹ substituents are pyrrole, indole, indoline, or imidazole, R²-R⁵ are as defined in claim 1 and their process of making and methods of use, without traverse. Applicants provisionally elect the species of indoline compounds which read on claims 1-16, with traverse.

The single structural difference between indoline and indole is the C2-C3 double bond in indole. Claim 1 recites that R¹ may be, inter alia, optionally substituted or halogenated indoline or indole. Substitution of indole at either C2 or C3 would require the loss of the double bond at this position, effectively making the

compound a substituted indoline. Thus, it would not unduly burden the examiner to search both indoline and indole.

Claim amendments

Claim 1 is amended to incorporate the limitations of R¹ as an optionally substituted or halogenated indoline indole, pyrrole, or imidazole as elected and as recited in dependent claim 2. Dependent claim 2 is amended to limit the substitution of indoline only. Claim 4 is amended to clarify that the composition comprises a therapeutically effective amount of the compound with the carrier. Claim 5 depends from claim 1 and is amended to delete (S,S,R)-(-)-actinonin as this compound is not encompassed by amended claim 1. Claim 14 is amended to recite contacting the cell in vitro to distinguish from in vivo methods of treatment in claims 10 and 12-13.

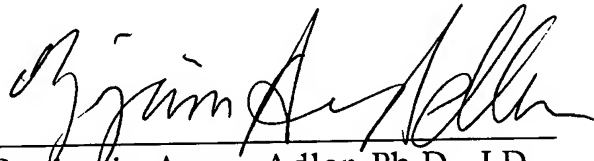
Claims 3, 6-9, 11 and 15 are canceled as not drawn to elected R¹ substituents. Claims 17-21 are canceled as non-elected claims. No new matter is added to any of these claims.

This is intended to be a complete response to the Restriction Requirement mailed March 19, 2004. If any issues remain outstanding, the Examiner is respectfully requested to

telephone the undersigned attorney of record for immediate resolution. Applicants enclose a Petition for a One-Month extension of Time. Please debit the \$55 extension fee and any other applicable fees from Deposit Account No. 07-1185 on which the undersigned is allowed to draw.

Respectfully submitted,

Date: May 17, 2004



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